

Hamre, John G.

From: Bender, Lawrence <LBender@fredlaw.com>
Sent: Monday, May 23, 2016 3:05 PM
To: Zachary E. Pelham; Krause, Danielle
Cc: Prescott, Julie S.; Fahn, Patrick J.
Subject: RE: DAPL Reroutes/Notice and opportunity for Hearing

Can we get approval on the remainder of reroutes as we proceed to get you additional information for the reroute at location # 50?

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From: Zachary E. Pelham [mailto:zep@pearce-durick.com]
Sent: Monday, May 23, 2016 3:01 PM
To: Bender, Lawrence; Krause, Danielle
Cc: Prescott, Julie S.; 'pfahn@nd.gov'
Subject: RE: DAPL Reroutes/Notice and opportunity for Hearing
Importance: High

Good afternoon:

Pat Fahn and Julie Prescott met with Commissioner Fedorchak this afternoon concerning an issue that has been brought to their attention specific to the reroute at location #50. It appears that, as rerouted, the route will now cross an area of known geologic instability. Although not shown on the USGS landslide hazard map, a serious situation occurred with a mass movement impacting Dakota Gasification Co.'s CO2 line in 2011 at the location where DAPL is proposing to install its pipeline (See PU-11-180 for additional history in this matter).

Given this history of known geologic instability, the Commissioner is requesting that the company provide additional information as follows: either a plan including mitigative measures through the area or an agreement to bore through/under the unstable location. We would also need sufficient information to address the 'no reasonable alternative' requirement through this avoidance area.

Please advise.

Sincerely,

Pearce Durick PLLC

Zachary Pelham
Attorney

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From: Bender, Lawrence [<mailto:LBender@fredlaw.com>]
Sent: Monday, May 23, 2016 2:20 PM
To: Prescott, Julie S.
Cc: Bender, Lawrence
Subject: DAPL Reroutes/Notice and opportunity for Hearing

Julie:

Will we have an order signed tomorrow for our re-routes that were the subject of a Notice & Opportunity for Hearing?

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